

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06cr113

**THIS MATTER** is before the Court upon motion of the defendant for release from custody for fourteen days to visit his ailing mother prior to being designated to a federal correctional facility by the Bureau of Prisons for service of his 117-month sentence. (Doc. No. 35).

The Court previously has rejected four attempts by the defendant to be released on bond. (Doc. No. 9,17, 19, 28: Orders). Those decisions noted the defendant's lengthy criminal history, including drug and gun offenses; his use of illegal drugs; and the nature of the charges for which he has now been sentenced. Even so, 18 U.S.C. § 3142(i) permits the temporary release of a defendant, in the custody of a United States marshal, for a compelling reason. Here, the motion relates that the U.S. Marshals Service and the U.S. Attorney's Office are opposed to the defendant's request.

The reason offered by the defendant for a two-week release is to spend time with his ill mother. Although the motion describes the defendant's mother as "life-endangered," nothing in the supporting letter from a medical doctor indicates such a dire situation. (Doc. No. 35: Exhibit 1). The doctor states a visit from the defendant would be "beneficial" given the "great emotional

stress" the defendant's imminent incarceration is causing his mother. However, the defendant has been in federal custody, and separated from his mother, since May 5, 2006. (Doc. No. 10: Executed Arrest Warrant). Accordingly, the Court finds that the defendant has not established a compelling reason for his temporary release. The defendant presents a serious risk of danger to the community if released, as well as a risk of flight, and the burden on the U.S. Marshals Service to retain custody over the defendant during the requested two-week furlough would be excessive.

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation office.

Signed: July 5, 2007



Robert J. Conrad, Jr.  
Chief United States District Judge

